

From: Thomas G. Parsons
To: Microsoft ATR
Date: 1/24/02 6:04pm
Subject: Microsoft Settlement

With respect to the proposed settlement of antitrust action against Microsoft:

SETTLEMENT INADEQUATE

I have followed relevant events in the media for several years, and I am seriously disappointed in the proposed settlement. It could hardly be weaker. It does not even begin to approach a remedy, much less a punishment, but comes closer to being a government endorsement of Microsoft's abusive and harmful behavior.

MY POSITION

I am not a computer professional, nor involved in any way with the industry, but I have used home computers since acquiring a Northstar Horizon in 1979. I have tried to keep up with the field, and I regard myself as computer literate.

I have been personally injured by Microsoft's behavior over the years, and the damage continues. Years ago, I was initially involved as a silent victim in the controversy over the separability of Microsoft Internet Explorer from the Windows operating system. Believing Microsoft's publicity about the separability, and attempting to remove IE from my then-new Dell Latitude LM laptop, I destroyed the usability of Windows 95 and had to reinstall from the CD provided. Besides the cost in time and lost data, the operating system has never worked as well since, despite several reinstalls, following every instruction from Microsoft.

At this point, I am working to install and master Linux, despite the notorious difficulties. These difficulties pale in comparison with the many wasted hours and days I have been forced to spend to keep Windows functional. If there had been realistic competition in the marketplace, I would have a choice. I do not. The antitrust judgment recognizes this, but the proposed remedy is no remedy at all.

INADEQUATE REMEDIES

The proposed penalties appear not to require Microsoft to desist from their "embrace and extend" tactic of modifying established standards and then patenting, and/or hiding, key elements of their changes ("improvements").

The proposed remedies do not appear to give me the option to demand a

reduction in the price of a new computer if it does *not* have Windows pre-installed. Thus anything Microsoft chooses to include in its operating system takes on the character of a forced purchase inseparable from the purchase of hardware. This can only extend the existing monopoly. There should be a price reduction that bears a reasonable relation to the retail price of the operating system.

INADEQUATE ENFORCEMENT

Worst of all, the proposed enforcement mechanism of even the too-weak settlement is meaningless. Any detection of a violation by the overseers will not automatically trigger serious penalties, as it should. Such a finding will just initiate another lengthy court battle about the substance and significance of the alleged violation. Back to square one. One could hardly imagine a mechanism closer to the classic "Throw Br'er Rabbit in the briar patch" for Microsoft's purposes.

PROPOSED SETTLEMENT DISCREDITS COURTS AND GOVERNMENT

The proposed settlement is so extraordinarily weak that it provides fodder for cynics. It could not favor Microsoft more, if Microsoft had written it and paid for it - which many suspect is not far from the actuality.

Sincerely,

Thomas G. Parsons
[American citizen, currently resident in New Zealand]